

BB. Section 3109 Swimming Pool Enclosures is hereby deleted in its entirety and the following substituted:

## SECTION 3109 - BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS

*3109.1 General.* The provisions of this section apply to the design and construction of barriers for swimming pools, spas and hot tubs.

*3109.2 Definitions.* For the purpose of this section, certain terms, words and phrases are defined as follows:

ABOVE GROUND/ON-GROUND POOL. See definition of swimming pool.

BARRIER is a fence, wall, building wall or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

GRADE is the underlying surface such as earth or a walking surface.

SPA OR HOT TUB is a hydromassage pool, or tub for recreational or therapeutic use, designed for immersion of users, usually kept filled with water and normally having a filter, heater, and motor-driven blower. It may be installed indoors or outdoors, above or below grade and be permanent or temporary.

SWIMMING POOL is any body of water intended for swimming, permanently installed or portable, that contains water over eighteen inches (18") deep and is wider than eight feet (8') at any point. This includes in-ground, above ground and on-ground pools, spas and hot tubs.

SWIMMING POOL, INDOOR, is a swimming pool which is totally contained within a building.

SWIMMING POOL, OUTDOOR, is any swimming pool which is not an indoor pool.

### *3109.3 Construction Requirements:*

*3109.3.1 Enclosures required.* Every new swimming pool, spa or hot tub, all new barriers and all existing barriers that are altered, remodeled or replaced shall comply with the provisions of this section.

Swimming pools and pool barriers constructed prior to the effective date of this ordinance and not complying with this chapter may continue until such time as the pool changes ownership.

All barriers shall be in place, inspected and approved by the Department of Community Development prior to filling a newly constructed swimming pool, spa or hot tub. New barriers constructed around existing, filled swimming pools, spas and hot tubs shall be in place, inspected and approved by the Department of Community Development no later than forty-five (45) days after the date of building permit application.

The Building Official may have swimming pools, spas and hot tubs not complying with the provisions of this chapter drained five (5) working days after delivering written notice of the violation and intention to drain to the owner or building occupant.

### EXCEPTIONS:

1. A system of canals, sumps, flood control or drainage works constructed and operated for the purpose of storing, delivering, distributing and conveying water.
2. Stock ponds, storage tanks, water troughs and other structures used in normal agricultural operations.

*3109.3.2 Outdoor Swimming Pool.* An outdoor swimming pool shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least five feet (5') above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (2") measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (4").
2. Openings in the barrier shall not allow passage of a four inch (4") diameter sphere. The wall, fence or barrier shall be at least twenty inches (20") from the edge of the pool.
3. Solid barriers which do not have openings, such as masonry or stonewalls, shall not contain indentations or protrusions except for tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches (45"), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-fourths inches (1-3/4") in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches (1-3/4") in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches (45") or more, spacing between vertical members shall not exceed four inches (4"). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches (1-3/4") in width.
6. Maximum mesh size for chain link fences shall be one and three-fourths inches (1-3/4") measured horizontally unless provided with slats fastened at the top and the bottom which reduce the openings to no more than one and three-fourths inches (1-3/4"). The wire shall be not less than eleven (11) gauge.
7. Where the barrier is composed primarily of diagonal or horizontal members, the maximum opening formed by the members shall be no more than one and three-fourths inches (1-3/4").
8. Access gates shall comply with the requirements of 3109.3.2, Items 1 through 7, and shall be equipped to accommodate a latching device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates may be secured by a keyed lock, latch or electric opener. Where the release mechanism of the self-latching device is located less than fifty-four inches (54") from the bottom of the gate, (a) the release mechanism shall be located on the pool side of the gate at least five inches (5") below the top of the gate, and (b) the gate and barrier shall have no opening greater than one half inch (1/2") within twenty-four inches (24") of the release mechanism.

9. If a wall of the building constitutes part of the barrier, there shall be one of the following provided:

a. Between the swimming pool and the building wall, a minimum four foot (4') wall, fence or barrier to the pool area which meets all of the other requirements of this chapter; or

b. All doors, including screen doors, with direct access to the swimming pool shall be equipped with self-closing, self-latching devices which meet the requirements of 3109.3.2, Item 8; emergency egress windows in sleeping rooms which open directly onto the swimming pool area shall have a latching device not less than fifty-four inches (54") inches above the floor; all other openable windows shall be equipped with a screwed in place wire mesh screen, a keyed lock that prevents the window from opening more than four inches (4"), or a latching device located at least fifty-four inches (54") above the floor; or

c. When approved by the Building Official, an alarm shall be installed on all doors with direct access to the pool. The alarm shall sound continuously immediately after the door and its screen are opened, until the alarm is reset, and be capable of providing a sound pressure level of 85 dba when measured indoors at 10 feet. The alarm system shall automatically reset under all conditions. The alarm should be supplied by line voltage and should not rely solely on batteries. The alarm system shall be equipped with a manual means, such as a touch pad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no more than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door; or

d. The pool shall be protected by a motorized safety cover which requires the operation of a key switch meeting ASTM Standard 13-89 and does not require any manual operation other than the use of a key; or

10. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be surrounded by a barrier which meets the requirements of this chapter, or the ladders or steps shall be removable without the aid of tools and secured in a location away from the pool by a locking device or latch mounted not less than fifty-four inches (54") high.

EXCEPTION: A portable swimming pool installed entirely above ground and having non-climbable exterior sides at least four feet (4') high need not be provided with a barrier if the ladders or steps comply with 3109.3.2 Item 10.

*3109.3.3 Indoor Swimming Pool.* An indoor swimming pool shall comply with 3109.3.2 Item 9.

*3109.3.4 Spas and Hot Tubs.* Spas and hot tubs shall comply with 3109.3.2 or 3109.3.3, or the spa or hot tub shall be protected with a locking cover which meets the requirements of ASTM F-1346.